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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,944	11/18/2003	Mike Pell	13768.453	4451

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,944	PELL ET AL.	
	Examiner	Art Unit	
	Ariel Balaoing	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 36-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 36 recites the limitation "the time" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1, which this claim is dependent upon, recites the limitation "a time indicator".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 5, 36, 37, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by SANKURATRIPATI et al (US 2002/0029267 A1).

Regarding claim 1, SANKURATRIPATI discloses a method of a server [ad server] selecting an interface that controls presentation of information to be delivered to a mobile user (abstract; paragraph 15-18, 59, 81), based on an identification of a user and at least one of user preferences and usage data (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.), comprising: the server receiving information identifying a physical location of a mobile device that is being used by a mobile user (paragraph 40-42; location information of user is obtained using demographic data); the server receiving information identification of the mobile user from the mobile device (paragraph 15-18, 41, 59, 81); the server retrieving aggregate user preference data based on the received identification, wherein the aggregate user preference data corresponds to at least one of user preferences or usage data (abstract; paragraph 11-15, 19, 29); the server selecting at least one interface, from a plurality of interfaces, to be communicated to the user based on determining which of the plurality of interfaces are relevant according to at least the aggregate user preference data, wherein the at least one interface is used by the mobile device to present information at the mobile device in a manner dictated by the interface (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses further comprising sending the information to a mobile carrier to be pushed to a mobile communications device associated with the mobile user (paragraph 30-32; as disclosed,

the advertisement servers can be separate from the service carrier, and therefore it would be necessary to send advertisements to service carrier to be pushed to the user).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses the server retrieving a user profile associated with the mobile user (paragraph 72-74, 78); wherein selecting the at least one interface to be communicated to the user is further based on the user profile (paragraph 72-74, 78).

Regarding claim 36, SANKURATRIPATI further discloses wherein selecting the at least one interface to be communicated to the user is further based on the time indicator (paragraph 49, 78).

Regarding claim 37, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein selecting at least one interface to be communicated to the user is further based on the physical location of the user (paragraph 42, 78).

Regarding claim 43, SANKURATRIPATI further discloses wherein the aggregate user preference data includes at least computer usage data corresponding to a user's tracked usage on a device other than the mobile device (paragraph 29, 41, 70; user logs on to subscribed server, which tracks usage on any device and stores the user preference).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2683

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of PATEL (US 2004/0235463 A1).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses the use of rendering the information to be provided to the mobile user (paragraph 70, 81), and

sending the rendered information to a browser associated with a mobile user (paragraph 78, 80, 81). SANKURATRIPATI does not expressly disclose wherein the rendered information is sent to a mobile browser of a mobile communication device. PATEL discloses wherein rendered information is sent to a mobile browser of a mobile communication device (paragraph 20, 21, 26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to render information on a mobile browser, as taught by PATEL, as the use of a mobile browser to access internet applications is well known in the art and could be used to acquire location and time based information.

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein rendering the information is based at least in part on an identification of the mobile communication device (paragraph 70, 78, 81).

11. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of GERDES et al (US 2003/0046541 A1).

Regarding claim 38, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), SANKURATRIPATI does not disclose wherein receiving the identification of the mobile user includes receiving a PUID. GERDES discloses wherein receiving the identification of the mobile user includes receiving a PUID (paragraph 7). Therefore it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), SANKURATRIPATI does not disclose wherein receiving the identification of the mobile user includes receiving a PIN. GERDES discloses wherein receiving the identification of the mobile user includes receiving a PIN (paragraph 55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), SANKURATRIPATI does not disclose wherein receiving the identification of the mobile user includes receiving a MSISDN of the mobile device. GERDES discloses wherein receiving the identification of the mobile user includes receiving a MSISDN (paragraph 53). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was

made to modify SANKURATRIPATI to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

12. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of KUNIGITA (US 6,836,727 B2).

Regarding claim 41, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, SANKURATRIPATI does not disclose further comprising: the server detecting a change in a physical location of the mobile device; and the server, in response to detecting the change, providing a new interface to the mobile device, wherein the new interface is used to present new information to the user at the mobile device. KUNIGITA discloses a server detecting a change in a physical location of the mobile device (Figure 4; col. 12, line 50-col. 13, line 10); and the server, in response to detecting the change, providing a new interface to the mobile device, wherein the new interface is used to present new information to the user at the mobile device (Figure 4; col. 12, line 50-col. 13, line 10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI, in this way, as taught by KUNIGITA, as this provides the ability to acquire new services when the user is within a predetermined range of a service of interest.

13. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of TINSLEY et al (US 2003/0043191 A1).

Regarding claim 42, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses the use of various interfaces (paragraph 78), SANKURATRIPATI does not expressly disclose wherein the at least one interface comprises at least two interfaces. TINSLEY et al discloses wherein the at least one interface comprises at least two interfaces (abstract; Figure 1; paragraph 24-26). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include multiple interfaces, as taught by TINSLEY, as reduces processing load by displaying only components necessary to the user.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

ARORA et al (US 2002/0013735 A1) – Electronic matching engine for matching desired characteristics with item attributes

FANO et al (US 2002/0133545 A1) – Mobile Valet

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ariel Balaoing
Art Unit 2683

AB


GEORGE ENG
SUPERVISORY PATENT EXAMINER